

2020 MAY 26 P 1:28

ORDINANCE NO. 2020-17

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,  
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM GB TO I2

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,  
INDIANA:**

Section I: The Unified Zoning Ordinance Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana, is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to-wit:

See Attached Exhibit A

Section II: The above described real estate should be and the same is hereby rezoned from GB to I2.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
LAFAYETTE, INDIANA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Nancy Nargi, Presiding Officer

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Cindy Murray City Clerk

This Ordinance approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Tony Roswarski, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

## **EXHIBIT A**

### **PARCEL I**

Part of a certain tract of five (5) acres out of the southwest corner of Longlois Reservation, situated in Township 23 North, Range 4 West, as described in deed recorded in Deed Record No. 35 on page 320, in the Office of the Recorder of Tippecanoe County, Indiana, said part being particularly described as follows, to-wit: Beginning at a point where the west line of said five acre tract (and of said reservation) intersects the southerly line of the Linnwood and Wildcat Gravel Road (now known as Schuyler Avenue); thence South along the said west line of said five acre tract a distance of 250 feet; thence East at right angles with said west line of said five acre tract a distance of 147 feet, more or less, to the east line of said five acre tract; thence North along the said east line of said five acre tract to the center line of the Linnwood and Wildcat Gravel Road (now known as Schuyler Avenue); thence Southwesterly along the center line of said road to a point where the center line of said road intersects the west line of said five acre tract; thence South along the west line of said five acre tract to the place of beginning.

### **PARCEL II**

A strip of ground five (5) feet of even width, immediately East of, and adjoining, the entire east line of Parcel I described above.

THE

# Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]  
[www.tippecanoe.in.gov/apc](http://www.tippecanoe.in.gov/apc)

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

May 21, 2020  
Ref. No.: 2020-117

Lafayette Common Council  
20 N 6<sup>th</sup> Street  
Lafayette, IN 47901

## CERTIFICATION

**RE: Z-2788 ANTIQUE CANDLE WORKS, INC. (GB to I2):**

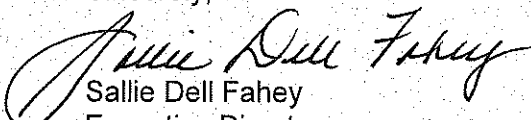
Petitioner is requesting rezoning of a 1-acre tract located at the southeast corner of Schuyler Avenue and N. 16th Street, specifically 1611 Schuyler Avenue, Lafayette, Fairfield, Longlois Reserve (SW) 234

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 20, 2020 the Area Plan Commission of Tippecanoe County voted 16 yes - 0 no on the motion to rezone the subject real estate from GB to I2. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette Common Council at their June 1, 2020 regular meeting. Petitioners or their representatives must present their case.

Sincerely,



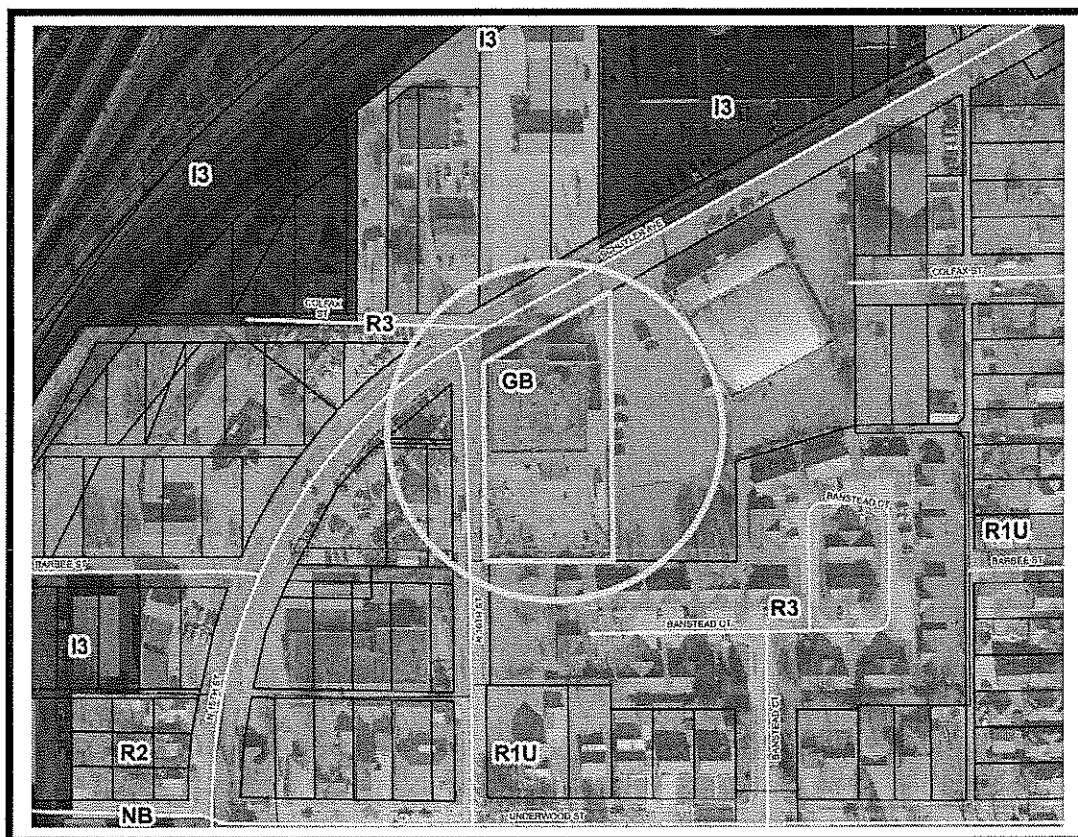
Sallie Dell Fahey  
Executive Director

SDF/crl

Enclosures: Staff Report & Ordinances

cc: Brittany Whitenack, Antique Candle Works Inc  
Patrick Malone, Malone Real Estate, LLC  
Ryan Munden, Reiling Teder & Schrier, LLC  
Jeromy Grenard, Lafayette City Engineer

**STAFF REPORT**  
**March 12, 2020**



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**Z-2788**  
**ANTIQUE CANDLE WORKS, INC.**  
**GB to I2**

**Staff Report**  
**March 12, 2020**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who is the owner and represented by attorney Ryan Munden of Reiling, Teder & Schrier Law Firm, is requesting a rezone from GB to I2 for a tract of land located at the southeast corner of Schuyler Avenue and North 16<sup>th</sup> Street. If rezoned, petitioner will locate their candle manufacturing business (SIC 39) at this property that is commonly known as 1611 Schuyler Avenue, Lafayette, Fairfield (Longlois Reserve) 23-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The property in question is zoned GB as are properties to the north, east and west. Land adjacent to the south is zoned R3.

The site in question is part of the St. Lawrence-McAllister Neighborhood, which was the site of a neighborhood-wide land use plan and rezone request. That rezone petition, approved in 2006, did not change the zoning of the subject site (Z-2288).

**AREA LAND USE PATTERNS:**

The 1.11-acre tract in question supports a one-story brick commercial building constructed in 1950, per the Assessor's records. The rear of the property is fenced and contains parking and a loading dock. The most recent user of the site was ServPro (water damage restoration). Previously a lumber company occupied the site.

Surrounding uses are mostly commercial with a bowling alley adjacent to the east and a car lot west across N. 16<sup>th</sup> Street as well as north across Schuyler. Other nearby uses include a laundromat, crematorium and auto repair. Immediately south of the rezone site is Northfield Commons, a residential subdivision of duplexes.

**TRAFFIC AND TRANSPORTATION:**

The site has frontage along Schuyler Avenue, an urban secondary arterial, and North 16<sup>th</sup> Street, an urban local road. On-site parking (gravel lot) and a loading berth exist behind the building in a fenced area.

The parking standard for this use is 1 space per 1,000 square feet, plus 1 per 200 square feet of office, sales or similar floor area. According to the Assessor's records the building is 16,098 square feet requiring a minimum of 17 spaces. The lot appears large enough to support the required parking.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The site is served by city utilities. If this rezone is approved, a 'type C' bufferyard 30' in width is required where I2 zoning abuts R3 zoning on the southern property line and a 'type A' bufferyard 20' in width is required where I2 zoning abuts GB on the eastern property line.

**STAFF COMMENTS:**

In 2006, petitioner received a special exception in the NB zone to operate the candle manufacturing business in a strip center on the east side of town, leasing 2,400 square feet of area (BZA-1947). This use is permitted by special exception in the NB and NBU zone and by right in the GB, CB and CBW zones, but only if the ground floor area is less than 5,000 square feet. It may be increased to 10,000 square feet if a retail element is included, but petitioner sells the product on-line only. However, if this use is located in an industrial zone there is no limitation on the gross floor area, so petitioner has chosen to rezone the subject land to I2. The presence of a loading dock at this location is especially attractive for the business operator.

One of the components of the St. Lawrence/McAllister Neighborhood Plan is to "preserve the commercial area lining...Schuyler Avenue." It was critical to the neighborhood that businesses "not be permitted to intrude into existing residential areas."

This area of Lafayette on Schuyler Avenue has long been home to commercial and industrial users. The earliest zoning maps show this area with Industrial zoning on the north side of Schuyler and commercial zoning along the south side. Staff could support I1 zoning for this site because it can provide better protection to the adjacent residents to the south than the existing GB zone and is more in keeping with the neighborhood plan than a heavier industrial zone. I1 zoning is low in impact because businesses are operated entirely indoors with attached or indoor loading facilities. GB zoning can be more impactful because of potential outdoor storage of materials and outdoor loading and unloading.

**STAFF RECOMMENDATION:**

Denial; however

Approval, if the request is amended to I1